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EXAMINER

TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/818,828	Applicant(s) BURTNER ET AL.	
	Examiner Tamara Teslovich	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 9-13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman (U.S. Patent 6,125,388).

As per claim 1, Reisman discloses:

A method of activating data at a local computer, comprising the steps of:

- a. transmitting via a global computer network, from the local computer to a central server, a request data packet that includes information that identifies a user and that identifies a specific unit of data that the user desires to activate, the specific unit belonging to a predefined plurality of units of data that are stored local to the local computer (see Reisman column 18 lines 1-27, column 23 lines 27-37 and column 24 lines 34-56)
- b. receiving a unit-specific activating data packet from the central server at the local computer; and (see Reisman column 18 lines 28-35)

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c. executing a routine at the local computer that uses the unit-specific activating data packet to activate the specific unit of data (see Reisman column 23 lines 38-47).

As per claim 3, Reisman discloses:

The method of claim 1, wherein the receiving step comprises receiving a control data packet used to modify a previously-created encrypted file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated (see Reisman column 8 lines 25-32 and column 23 lines 24-47). Note that the phrase "locked" has been considered in the terms of "encrypted".

As per claim 4, Reisman discloses:

The method of claim 1, wherein the receiving step comprises receiving an encryption key that may be used in decrypting the specific unit of data (see Reisman column 8 lines 25-32 and column 23 lines 24-47). Note that the phrase "code" has been considered in the terms of "key".

As per claim 5, Reisman discloses:

The method of claim 1, wherein the executing step comprises running a plug-in on the local computer (see Reisman column 28 lines 17-28).

As per claim 6, Reisman discloses:

The method of claim 1, wherein specific unit of data comprises a computer-run lesson and wherein the predefined plurality of units of data comprises a suite of computer-run lessons (see Reisman column 11 lines 14-25).

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Note that the phrase "lesson" has been considered in the terms of "information of interest to the user" or "information object".

As per claim 7, Reisman discloses:

A method of activating a computer-based lesson on a local computer comprising the steps of (see Reisman column 11 lines 19-25):

a. transmitting via a global computer network, from the local computer to a central server, a request data packet that includes information that identifies a used and a specific lesson that the user desires to activate, the specific lesson belonging to a predefined plurality of lessons that are stored on the local computer (see Reisman column 5 lines 66-67, column 6 lines 1-8, column 23 lines 27-37 and column 24 lines 34-56).

b. receiving a lesson-specific activating data packet from the central server at the local computer (see Reisman column 6 lines 25-47)

c. executing a routine at the local computer that uses the lesson-specific activating data packet to activate the specific lesson; and (see Reisman column 6 lines 43-47)

d. running the specific lesson on the local computer (see Reisman column 6 lines 48-52).

As per claim 9, Reisman discloses:

The method of claim 7, wherein the receiving step comprises receiving a control data packet used to modify a previously-encrypted file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated (see Reisman column 8 lines 25-32 and

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column 23 lines 24-47). Note that the phrase "locked" has been considered in the terms of "encrypted".

As per claim 10, Reisman discloses:

The method of claim 7, wherein the receiving step comprises receiving an encryption key that may be used in decrypting the specific unit of data (see Reisman column 8 lines 25-32 and column 23 lines 24-47). Note that the phrase "code" has been considered in the terms of "key".

As per claim 11, Reisman discloses:

The method of claim 7, wherein the executing step comprises running a plug-in on the local computer (see Reisman column 28 lines 17-28).

As per claim 12, Reisman discloses:

A method of activating computer-readable data from a central server, comprising the steps of:

- a. receiving at the central server a request data packet from a local computer via a global computer network, the request data packet including information that identifies a user and that identifies a specific unit of data that the user desires to activate, the specific unit of data belonging to a predefined plurality of units of data that are stored local to the local computer (see Reisman column 5 lines 66-67, column 6 lines 1-8 and lines 25-47, column 23 lines 27-37 and column 24 lines 34-56)
- b. executing a verification routine that determines if the user is authorized to activate the specific unit of data; and (see Reisman column 16 lines 39-40 and column 18 lines 1-7)

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c. if the user is authorized to activate the specific unit of data, then transmitting a unit-specific activating data packet from the central server to the local computer, wherein the activating data packet allows the local computer to activate the specific unit of data (see Reisman column 23 lines 38-47).

As per claim 13, Reisman discloses:

The method of claim 12, wherein the certification routine determines if the user has paid for the specific unit of data (see Reisman column 23 lines 38-47).

As per claim 15, Reisman discloses:

The method of claim 14, further comprising the step of executing the run routine by activating a plug-in that is resident on the local computer (see Reisman column 28 lines 17-28).

As per claim 16, Reisman discloses:

The method of claim 12, wherein the transmitting step comprises transmitting a control data packet used to modify a previously-created encrypted file on the local computer that includes data necessary to execute a routine that causes the specific unit of data to be activated (see Reisman column 8 lines 25-32 and column 23 lines 24-47). Note that the phrase "locked" has been considered in the terms of "encrypted".

As per claim 17, Reisman discloses:

The method of claim 16, further comprising the step of executing the run routine by activating a plug-in that is resident on the local computer (see Reisman column 28 lines 17-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (U.S. Patent 6,125,388) as applied to claim 1 above, and further in view of Subler (U.S. Patent 5,646,992).

Claim 2 refers to the method of claim 1, wherein the receiving step comprises receiving a control data packet used to create an encrypted file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated.

Reisman refers to a system in accordance with claim 1, wherein the receiving step comprises receiving a control data packet used to create a file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated and fails to mention encryption of the created file.

Subler describes receiving an encrypted key file decryption key packet, herein considered equivalent to an encrypted control data packet for examination purposes, which is delivered to the local user in an encrypted state to be later unlocked with the user's request number and run to activate the product (see Subler column 9 lines 63-67 and column 10 lines 1-5).

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It would have been obvious to a person of average skill in the area at the time of the invention to include within the system of Reisman, the encrypted file as described in Subler to provide enhanced security and prevent unauthorized use.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (U.S. Patent 6,125,388) as applied to claim 7 above, and further in view of Subler (U.S. Patent 5,646,992).

Claim 8 refers to the method of claim 7, wherein the receiving step comprises receiving a control data packet used to create an encrypted file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated

Reisman refers to a method in accordance with claim 7, wherein the receiving step includes receiving a control data packet used to create a file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated and fails to mention encryption of the created file.

Subler describes receiving an encrypted key file decryption key packet, herein considered equivalent to an encrypted control data packet for examination purposes, which is delivered to the local user in an encrypted state to be later unlocked with the user's request number and run to activate the product (see Subler column 9 lines 63-67 and column 10 lines 1-5).

It would have been obvious to a person of average skill in the area at the time of the invention to include within the method of Reisman, the encrypted file

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as described in Subler to provide enhanced security and prevent unauthorized use.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (U.S. Patent 6,125,388) as applied to claim 12 above, and further in view of Subler (U.S. Patent 5,646,992).

Claim 14 refers to the method of claim 12, wherein the transmitting step comprises transmitting a control data packet used to create an encrypted file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated.

Reisman refers to a method in accordance with claim 12, wherein the transmitting step comprises transmitting a control data packet used to create a file on the local computer that includes data necessary to execute a run routine that causes the specific unit of data to be activated and fails to mention encryption of the created file.

Subler describes receiving an encrypted key file decryption key packet, herein considered equivalent to an encrypted control data packet for examination purposes, which is transmitted to the local user in an encrypted state to be later unlocked with the user's request number and run to activate the product (see Subler column 9 lines 63-67 and column 10 lines 1-5).


It would have been obvious to a person of average skill in the area at the time of the invention to include within the method of Reisman, transmission of the encrypted file as described in Subler to provide enhanced security and prevent unauthorized use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew Caldwell